



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, TUESDAY, AUGUST 11, 2020 (SRAVANA 20, 1942 SAKA)

GOVERNMENT OF PUNJAB

DEPARTMENT OF LABOUR
(LABOUR BRANCH)

NOTIFICATION

The 11th August, 2020

No.21/73/2019-4L/1134.-The following Ordinance of the Punjab State Legislature received the assent of the President of India vide letter FNO.14/01/2020-Judl & PP on the 11th day of June, 2020 and is hereby published for general information:-
THE INDUSTRIAL DISPUTES (PUNJAB AMENDMENT) ORDINANCE, 2020

AN

ORDINANCE

Further to amend the Industrial Disputes Act, 1947, in its application to the State of Punjab.

Promulgated by the Governor of Punjab in the Seventy-first Year of the Republic of India.

Whereas the Legislative Assembly of the State of Punjab is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Punjab is pleased to promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called Industrial Disputes (Punjab Amendment) Ordinance, 2020. Short Title,
and com-
mencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment
of Section
2A of Cen-
tral Act 14 of
1947.

2. In the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in its application to the State of Punjab, in section 2A, after sub-section (3), the following sub-section (4) shall be added, namely:-

“(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised in conciliation proceeding within a period of three years from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority, as may be specified by the State Government, may consider to extend the said period of three years when the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of three years.”.

Substitution
of Section
25K of Cen-
tral Act 14
of 1947.

3. In the principal Act, for section 25K, the following section shall be substituted, namely:-

"25K.(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which less than three hundred workmen but not less than one hundred workmen, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

(3) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.”.

Amendment
of Section
25N of Cen-
tral Act 14
of 1947.

4. In the principal Act, in section-25 N,-

"(i) in sub-section (1), in clause (a), the signs and words, " or the workmen has been paid in lieu of such notice, wages for the period of the notice" shall be omitted; and

(ii) in sub-section (9), after the words "six months", the following words shall be added, namely:-

"and an amount equivalent to his three months average pay".

Amendment
of Section
25-O of Cen-
tral Act 14
of 1947.

5. In the principal Act, in section 25-O, in sub-section (8), after the words "six months" the following words shall be amended, namely:-

"and an amount equivalent to his three months average pay."

6. In the principal Act, in Fifth Schedule, in part II, after paragraph 5, the following Explanation shall be added, namely:-

Amendment
of Fifth
Schedule of
Central Act
14 of 1947.

“Explanation.- For the purpose of this paragraph, ‘go slow’ means any such activity by any number of persons, employed in any industry, acting in combination or with common understanding, to slow down or to delay the process of production or work purposely whether called by work to rule or by any other name, so as the fixed or average or normal level of production or work or output of workman or workmen of the establishment is not achieved:

Provided that all necessary ingredients or inputs for standard quality production or work are made available in time and in sufficient quantity”.

Chandigarh,
The 6th August, 2020

Sd/-
Governor of Punjab